

REMARKS:

REFERENCE REQUEST

The Examiner requested a clear copy of the reference from which the photograph included in the Field of Invention section of the remarks filed 5/31/05 was taken. This photo, however, is not from a publication, but is an original photograph of a similar-type boogie axle.

CONTINUED EXAMINATION UNDER 37 CFR §1.114

Applicant acknowledges with appreciation the entry of the communication filed on September 6, 2006 requesting continued examination of the present application.

REMARKS REGARDING CLAIMS AMENDMENTS:

Claims 1 and 13 have been amended to place the present application in condition for allowance and entry of new claims 15 – 17 is respectfully requested. Amendment of claim 1 finds support in paragraph 23 and Figure 1 of the present application, as filed. Support for new claims 15 – 17 exists in paragraph 25 and Figure 2 of the present application.

Claims 1 – 4, 7 – 13 and 15 - 17 are pending in the present application.

IN RESPONSE TO THE OFFICE ACTION:

REJECTION UNDER 35 U.S.C. § 103(a):

The Office Action indicates rejection of claims 1 – 4 and 7 – 13 under 35 U.S.C. §103(a) as being unpatentable over DT – 2312864 (Wende DT ‘864) in view of US Patent 5,271,678 to Bourgeot.

Applicant requests that the Examiner reconsider and withdraw the above rejection of the claims in view of the following:

In response to the Office Action applicant has considered the Examiner’s selection of Figure 3 of Wende (DT – 2312865) but respectfully disagrees that it supports a *prima facie* case of obviousness under 35 U.S.C. §103. The following section provides evidence for this position giving consideration to the statement of rejection, reproduced below for convenient reference.

Re. claims 1, 11, 12 and 13. DT ‘864 shows in Figure 3 a bearing arrangement for mounting the spring suspension for a leaf-spring-supported bogie on a vehicle, the arrangement comprising: a bracket 12, a leaf spring support 9 and two bearing elements (left and right elements 10).

DT ‘864 lacks the limitation of each of the bearing elements comprising a plurality of conical coaxial tubular supporting elements and at least one conical tubular liner(Emphasis Added).

Although asserting that Figure 3 of the DT‘864 reference teaches a “bearing arrangement for - - a leaf-spring supported bogie,” Figure 3 combined with Figure 1 of Wende does not appear to illustrate what is accepted as ordinary skill in the art for leaf-spring supported bogies. In the present application as filed, paragraph 23 states, “As background, a typical leaf-spring-supported bogie is constructed with a leaf spring that is centrally suspended and mounted in a bracket in the form of a bogie support. A leaf spring is constructed from a number of spring leaves, either as a conventional leaf spring or as a parabolic spring. A rear axle is mounted in a known manner at each of the two ends of the leaf spring. Such an arrangement is also referred to as a tandem axle.” (Emphasis added).

The illustration provided by Figure 3 of Wende (DT '864) fails to teach or suggest a leaf spring constructed from a number of leaf springs held as a stack in a bracket of a bogie support. Figure 3 of Wende DT '864 is not representative of a construction for a bogie support of a leaf-spring-supported bogie wherein the leaf spring is centrally mounted. Such mounting requires a central section of the leaf spring to be clamped to the leaf spring support 9. Further evidence that Wende (DT '864) fails to teach a typical construction for a leaf-spring-supported bogie is found in Figure 1 of the reference that shows a conventional spring including a plurality of leaves held together by a centrally located clamp 2 that is not part of the leaf spring support 9.

Figure 2 of the present invention shows a stack of leaf springs **12** positioned in the support bracket of the leaf-spring support **4**. The support bracket of the leaf-spring support **4** is shown clearly in Figure 1 of the present invention.

Attachment of spring leaves to the leaf spring support **4** uses known means such as clamps **13** to provide a typical construction for a leaf-spring-supporting a bogie wherein a central section of the leaf spring is fixed to the leaf-spring-support **4**. Fixed attachment by a central section provides that each of the two ends of the leaf spring remain available for mounting of a rear axle in a known manner. The structure of Figure 2 according to the present invention uses the clamp assembly **13** to join the leaf spring to the support bracket that is an integral part of the leaf-spring support **4**. This clearly provides a structural difference from the spring support 9 of Wende (DT '864) wherein the spring clamp 2 is separate from the leaf-spring support 9. Also the spring 1 of Wende has attachment to the leaf-spring support 9 by a bent end portion (designated in Figure 2 by numeral 20) of a single leaf of the spring 1. In such an assembly, the end of the spring of Wende is no longer available as a mounting point for an axle.

Wende (DT '864) fails to teach a support bracket or attachment of a central section of a leaf spring to the leaf-spring support, as required by amended claims 1 and 13 of the present invention. As a result, the reference does not teach or suggest all of the claims limitations as required for rejection of claims for obviousness. Amendment of claims 1 and 13 places them in condition for allowance. Claims 11 and 12 that have dependency from claim 1 are also allowable.

In view of the above, applicant requests reconsideration and withdrawal of the rejection of claims 1 and 11 – 13 under 35 USC §103(a).

The previous evidence, showing amended claims 1 and 13 to be allowable over DT ‘864, is pertinent to claims 2, 3, 4 and 7 - 10, which depend from claim 1 of the present invention. As amended, claim 1 is believed to be allowable. Claims dependent from claim 1 should likewise be allowed.

Request is respectfully made for reconsideration and withdrawal of the rejection of claims 2, 3, 4 and 7 - 10 under 35 USC §103(a), over Wende (DT ‘864).

Claims amendment removes Wende (DT ‘864) as a basis for rejection of claims of the present invention for obviousness. Since Wende lacks support for claims rejection, the combination of Wende and Bourgeot (US 5,271,678) also fails to render the present invention as obvious.

Applicant submits that the requirement and burden of presenting of a *prima facie* case of obviousness under 35 USC §103 have not been met. Accordingly, request is made for reconsideration and withdrawal of the rejection of claims 1 – 4 and 7 – 13 under 35 USC §103(a).

Applicant has made an earnest attempt to respond to all the points included in the Office Action and, in view of the above, submits that amendment of claim 1 and claim 13 places the application in condition for allowance. Consequently, request is respectfully made for reconsideration of the application and notification of allowance of claims 1 – 4 and 7 – 13 along with new claims 15 - 17 in the next paper from the Office.

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Confirmation No.: 5160
Applicant: HEDERSTIERNA, Johan
Atty. Ref.: 7589.188.PCUS00

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Order No. 7589.188.PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Tracy W. Druce".

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